

Message Text

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PAGE 01 TORONT 01000 152117Z

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CIAE-00 COME-00 EB-07 FRB-01

INR-07 NSAE-00 USIA-15 TRSE-00 XMB-04 OPIC-06 SP-02

CIEP-02 LAB-04 SIL-01 OMB-01 PA-02 PRS-01 /071 W

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R 151853Z JUL 76

FM AMCONSUL TORONTO

TO SECSTATE WASHDC 3845

UNCLAS TORONTO 1000

E.O. 11652: N/A

TAGS: EALR, PGOV, SOPN,CA

SUBJECT: ONTARIO PROVINCIAL GOVERNMENT'S PASSAGE OF WAGE CONTROL
LEGISLATION FOR PUBLIC EMPLOYEES

WITH THE SECOND READING ON 14 JULY OF THE ONTARIO PROVINCIAL GOVERN-

MENT'S BILL TO PUT THE PROVINCE'S PUBLIC EMPLOYEES RETROACTIVELY UNDER

AEGIS OF THE FEDERAL ANTI-INFLATION BOARD, (AIB) IT IS NOW CERTAIN
THAT THE LEGISLATION WILL BE PASSED AND THAT AN ELECTION WILL NOT BE
CALLED. AN EMBARRASSED PROVINCIAL GOVERNMENT CALLED ITS PARLIAMENT
INTO EMERGENCY SESSION (IT HAD BEEN IN SUMMER RECESS) WHEN THE
SUPREME COURT OF CANADA RULED ON 12 JULY THAT AN AGREEMENT SIGNED
IN JANUARY BETWEEN THE GOVERNMENTS OF ONTARIO AND OF CANADA EXCEEDED
THE CONSTITUTIONAL AUTHORITY OF THE PROVINCIAL GOVERNMENT.
THE SUPREME COURT STRUCK DOWN ONTARIO'S AGREEMENT WITH THE FEDERAL
GOVERNMENT BECAUSE SIGNATURE HAD BEEN ADE AT THE MINISTERIAL LEVEL
WITHOUT PRIOR LEGISLATION SO EMPOWERING THE PROVINCE TO PUT PUBLIC
EMPLOYEES - PROVINCIAL AND MUNICIPAL - UNDER THE ANTI-INFLATION ACT.
THE CANADAIN SUPREME COURT, UPHOLDING THE CONSTITUTIONALITY OF THE
AIB ITSELF, DECIDED IN UNANIMOUS OPINION THAT THE
PROVINCIAL AGREEMENT WAS ULTRA VIRES: CHIEF JUSTICE LASKIN OF THE
COURT,

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PAGE 02 TORONT 01000 152117Z

WHO WROTE THE OPINION, SAID:

"I AGREE, OF COURSE, THAT THE EXECUTIVE OR A MINISTER AUTHORIZED BY IT MAY BE THE PROPER SIGNATORY TO AN AGREEMENT TO WHICH THE GOVERNMENT OF ONTARIO IS A PARTY. THAT, HOWEVER, IS MERELY THE FORMALITY OF EXECUTION: AND EVEN IF THE AGREEMENT IS BINDING UPON THE GOVERNMENT OF ONTARIO AS SUCH, ON THE ANALOGY OF TREATIES WHICH MAY BIND THE CONTRACTING PARTIES BUT YET BE WITHOUT DOMESTIC FORCE, THAT WOULD NOT MAKE THE AGREEMENT PART OF THE LAW OF ONTARIO BINDING UPON PERSONS PURPORTEDLY AFFECTED BY IT...IT IS ONE THING FOR IT (GOVERNMENT OF ONTARIO) TO CONTRACT FOR ITSELF: IT IS A COMPLETELY DIFFERENT THING FOR IT TO CONTRACT FOR THE APPLICATION TO ITS INHABITANTS, AND TO LABOR ORGANIZATIONS AUTHORITY TO THAT END. THIS WOULD BE, IN EFFECT, TO LEGISLATE IN THE GUISE OF OF A CONTRACT."

WITH THE REQUISITE LEGISLATION NOW BEING MADE, AD THE LIBERAL PARTY CASTS IT VOTES WITH THE MINORITY PROGRESSIVE CONSERVATIVE PARTY GOVERNMENT TO ENSURE PASSAGE, THE SAME WAGE CONTROL MEASURES WHICH HAD ALREADY BEEN ENACTED AGAINST PUBLIC EMPLOYEES - MOST NOTABLY TEACHERS - WILL CONTINUE TO APPLY: THAT IS, THE LEGISLATION NOW BEING PASSED WITH BE MADE RETROACTIVE. THE THIRD POLITICAL PARTY AND AND OFFICIAL OPPOSITION IN ONTARIO, THE NEW DEMOCRATIC PARTY, HAS VOTED AGAINST THE LEGISLATION IN SUPPORT OF THE LABOR UNIONS

WHICH HAVE ALWAYS OPPOSED THE ANTI-INFLATION ACT AND HAVE RAISED CRIES AGAINST THE PROVINCIAL GOVERNMENT NOW PASSING A LAW HAVING RETROACTIVE CONTROLS ON THEIR MEMBERS' WAGES.

EDITORIAL OPINION IN THE TORONTO NEWSPAPERS HAS PRAISED THE LIBERAL PARTY FOR ITS SUPPORT OF THE HURRIED LEGISLATION AND FOR SAVING THE PROVINCE FROM A CONFUSED SITUATION IN THE AFTER-MATH OF THE SUPREME COURT DECISION. THE PAPERS HAVE ALSO TAKEN THE GENERAL VIEW THAT THE MINORITY PROGRESSIVE CONSERVATIVE PARTY HAS GOTTEN OFF SURPRISINGLY EASY FOR ITS MISTAKE IN SIGNING AN ORDERS IN COUNCIL FOR WHICH IT LACKED AUTHORITY. IT CAN BE EXPECTED THAT IF AND WHEN AN ELECTION IS CALLED IN ONTARIO PROVINCE THE NEW DEMOCRATIC PARTY WILL MAKE EVERY ATTEMPT TO CAPITALIZE ON LABOR UNION DISCONTENT AND ITS OWN REFUSAL TO SUPPORT THE ANTI-INFLATION BILL IN CAMPAIGNING.

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PAGE 03 TORONT 01000 152117Z

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL, PROVINCIAL GOVERNMENT, LEGISLATIVE BILLS, ANTIINFLATIONARY PROGRAMS, WAGE CONTROLS, PUBLIC ADMINISTRATION
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TORONT01000
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760273-0896
From: TORONTO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760753/aaaabumg.tel
Line Count: 107
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: schae faj
Review Comment: n/a
Review Content Flags:
Review Date: 13 FEB 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 FEB 2004 by ThomasVJ>; APPROVED <01 OCT 2004 by schae faj>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ONTARIO PROVINCIAL GOVERNMENT'S PASSAGE OF WAGE CONTROL LEGISLATION FOR PUBLIC EMPLOYEES
TAGS: EALR, PGOV, SOPN, CA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006